

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	NO. 3:22-cr-00327
v.)	
)	Judge Trauger
CHESTER GALLAGHER, et al.,)	

**UNITED STATES' MOTION FOR LEAVE TO FILE OVERSIZED RESPONSE TO
DEFENDANTS' MOTIONS TO DISMISS**

The United States of America, by and through its counsel of record, hereby files this motion requesting leave to file an oversized brief in response to two Motions to Dismiss (Docs. 240 and 245) filed by the 11 defendants ("the defendants") charged in this case. In support, the United States would show the following:

1. Seven of the defendants have filed a motion to dismiss Count 1 of the Indictment, which is 49 pages long. (Doc. 245). All 11 defendants filed an additional motion to dismiss, challenging Count 2 of the indictment, which is 18 pages long. (Doc. 240).

2. Rather than file two separate opposition briefs, the Government plans to file a consolidated opposition to the defendants' two motions described above. By doing so, the Government anticipates it can respond to defendants' motions in one response brief. This approach will be more efficient, as it will help avoid unnecessarily repeating the same arguments and/or summaries of trial evidence across two opposition briefs.

3. While the Local Criminal Rules do not provide any page limitations, the Government recognizes that Local Civil Rule 7.01(a)(3) provides a 25-page limit for response briefs, absent leave of Court.

4. The Government therefore respectfully requests leave from the Court to file a brief that exceeds the 25-page limit.

5. The Government submits that an exception is warranted due to the nature of the case and because the defendants' motions raise a variety of issues, both legal and factual, and the Government wishes to be able to address defendants' arguments head-on.

6. The Government therefore respectfully requests leave to file an oversized brief in response to defendants' motions.

CONCLUSION

For the foregoing reasons, the Government respectfully requests the Court grant this motion, and permit the Government to exceed the page limitations in order to file a consolidated brief responding to defendants' two Motions to Dismiss.

Respectfully submitted,

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CERTIFICATE OF SERVICE

SANJAY H. PATEL, attorney for the United States, hereby certifies that a true and correct copy of the motion has been electronically filed and accordingly served upon attorneys for the defendants.

DATE: April 10, 2023

/s/ Sanjay H. Patel
Sanjay H. Patel